

SUPREME COURT OF STATE OF NEW YORK
ALBANY COUNTY

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CENTER FOR JUDICIAL ACCOUNTABILITY, INC.
and ELENA RUTH SASSOWER, individually and
as Director of the Center for Judicial Accountability, Inc,
acting on their own behalf and on behalf of the People
of the State of New York & the Public Interest,

Plaintiffs,

-against-

ANDREW M. CUOMO, in his official capacity
as Governor of the State of New York,
DEAN SKELOS in his official capacity as
Temporary Senate President,
THE NEW YORK STATE SENATE,
SHELDON SILVER, in his official capacity
as Assembly Speaker, THE NEW YORK
STATE ASSEMBLY, ERIC T. SCHNEIDERMAN,
in his official capacity as Attorney General of
the State of New York, and THOMAS DiNAPOLI,
in his official capacity as Comptroller of
the State of New York,

Defendants.
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Index #1788-14
(Justice Roger McDonough)

NOTICE OF CROSS-MOTION
for Summary Judgment & Other Relief

Oral Argument Requested

PLEASE TAKE NOTICE that upon the accompanying affidavit of the *pro se* individual plaintiff ELENA RUTH SASSOWER, sworn to on September 22, 2015, the exhibits annexed thereto, plaintiffs' accompanying memorandum of law, dated September 22, 2015, and upon all the papers and proceedings heretofore had, plaintiffs will make a cross-motion before Supreme Court Justice Roger D. McDonough at the Albany County Courthouse, at 16 Eagle Street, Albany, New York 12207, on October 12, 2015, or as soon thereafter as the parties or their counsel can be heard for an order:

(1) pursuant to CPLR §3211(c), giving notice that Attorney General Eric T. Schneiderman's July 28, 2015 motion to dismiss plaintiffs' verified supplemental complaint by Assistant Attorney General Adrienne Kerwin is being converted by the Court to a motion for summary judgment for plaintiffs on their four causes of action therein;

(2) pursuant to CPLR §3212(b), granting plaintiffs summary judgment on their verified complaint's fourth causes of action;

(3) pursuant to this Court's October 9, 2014 decision/order, granting sanctions & other relief against AAG Kerwin and all complicit with her, following determination of the three issues undetermined by the October 9, 2014 decision/order pertaining to plaintiffs' order to show cause with TRO that the Court signed on June 16, 2014, *to wit*, whether AAG Kerwin's 4-page document turnover was (a) a "flagrant fraud on the Court"; (b) constituted evidence of defendants' violation of Legislative Law §67; and (c) a possible contempt of the TRO;

(4) pursuant to Executive Law §63.1 and State Finance Law Article 7-A, directing Attorney General Schneiderman to identify who in the Attorney General's office has independently evaluated the "interest of the state" in this citizen-taxpayer action and plaintiffs' entitlement to the Attorney General's representation/intervention;

(5) pursuant to Rule 1.7 of the Rules of Professional Conduct for Attorneys, disqualifying Attorney General Schneiderman for conflict of interest;

(6) pursuant to 22 NYCRR §130-1.1 *et seq.*, imposing maximum costs and \$10,000 sanctions against AAG Kerwin and all complicit supervisory lawyers in Attorney General Schneiderman's office by reason of their frivolous and fraudulent July 28, 2015 dismissal/summary judgment motion;

(7) pursuant to Judiciary Law §487(1), assessing penal law penalties against AAG Kerwin and all complicit supervisory lawyers in Attorney General Schneiderman's office, as well as such determination as would afford plaintiffs treble damages against them in a civil action by reason of their frivolous and fraudulent July 28, 2015 dismissal/summary judgment motion;

(8) pursuant to 22 NYCRR §100.3D(2), referring AAG Kerwin and all complicit supervisory lawyers in Attorney General Schneiderman's office to appropriate disciplinary authorities for their knowing and deliberate violations of New York's Rules of Professional Conduct for Attorneys and, specifically, Rule 3.1 "Non-Meritorious Claims and Contentions", Rule 3.3 "Conduct Before A Tribunal"; Rule 8.4 "Misconduct"; and Rule 5.1 "Responsibilities of Law Firms, Partners, Managers and Supervisory Lawyers";

(9) pursuant to CPLR §5015(a)(3), vacating the Court's October 9, 2014 decision/order for "fraud, misrepresentation, [and] other misconduct" of defendants and their counsel;

(10) for such other and further relief as may be just and proper, including \$100 motion costs pursuant to CPLR §8202.

PLEASE TAKE FURTHER NOTICE that answering papers, if any, are to be served on the *pro se* individual plaintiff ELENA SASSOWER seven days before the return date by e-mail and regular mail.

Dated: White Plains, New York
September 22, 2015



ELENA RUTH SASSOWER, Plaintiff *Pro Se*, individually
& as Director of the Center for Judicial Accountability, Inc.,
and on behalf of the People of the State of New York &
the Public Interest

10 Stewart Place, Apartment 2D-E
White Plains, New York 10603
914-421-1200
elena@judgewatch.org

TO: Attorney General Eric T. Schneiderman
The Capitol
Albany, New York 12224-0341

ATT: Assistant Attorney General Adrienne Kerwin

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**PLAINTIFFS' NOTICE OF CROSS-MOTION
FOR SUMMARY JUDGMENT & OTHER RELIEF**

ELENA RUTH SASSOWER, Plaintiff *Pro Se*, individually
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